REMARKS

Claim 13 has been cancelled. Claims 1-12 remain in the application. Applicant asserts that no new matter has been added. Reconsideration of the Application is hereby requested.

Claim Rejections

Rejections Under 35 U.S.C. § 102

Claims 1-3:

Claims 1-3 were rejected under 35 U.S.C. § 102(b), as being anticipated by Parsons et al. (U.S. Patent Application Publication No. 2002/0087643). Applicant respectfully traverses this rejection on the grounds that Parsons et al. does not disclose each element recited in the rejected claims.

The present invention, as recited in Claim 1, transmits an alert to the user only when one of two conditions have been met: (1) a new message has been received and there are no undelivered messages; or (2) a new message has been received and a predetermined amount of time has elapsed since the last alert has been sent. Thus, for an alert to be sent to the user in response to the receipt of a new message, either there are no undelivered messages at the time of receipt of the new message (which indicates that the user is actively receiving messages as they are received) or there are undelivered messages (which indicates that the user currently might not want to be bothered by incoming messages) and a predetermined period has passed since the last alert was sent. No alert is sent to the user when there are undelivered messages and no new message has been received. Similarly, no alert is sent if there is a new message and a predetermined amount of time has not passed since the last alert was sent if there are currently undelivered messages. Therefore, the invention recited in Claim 1 sends immediate alerts to the user when the user is actively receiving messages, but sends delayed alerts when the user's

behavior indicates that such alerts are unlikely to be answered immediately, as evidenced by the existence of undelivered messages.

Parsons et al., on the other hand, discloses a system that sends message alerts at regular intervals, without taking into account the user's intent (which is inferred from the user's immediate past history of accepting or not accepting messages). Parsons discloses a device that can be configured to reduce the number of message alerts that a user receives by sending alerts to the user only at certain time intervals (*e.g.*, every 15 minutes). (Parsons, ¶[0042]) "Additionally or alternatively, the system may be configured to only forward alerts when new messages are received." *Id.* Thus, the system of Parsons et al. can be configured to send alerts to undelivered messages periodically (*e.g.*, every 15 minutes) or to send alerts whenever a new message is received, or both. In the first case, the user will receive a message alert every 15 minutes (assuming that the period is set at 15 minutes) so long as there are undelivered messages. This could be quite annoying and could even dangerous if the user is engaged in an activity that requires intense concentration (such as driving). In the second case, the user receives an alert whenever a new message is received. Again this can be annoying or dangerous if the rate of newly received messages is high enough. In the third case, not only would the user receive undelivered message alerts every 15 minutes, but would also receive an alert every time a new message is received. This would be the most annoying and dangerous case, as the user would receive alerts both periodically and whenever a new message is received.

The feature of sending a new message alert immediately upon receipt of a new message if there are no undelivered messages, but delaying the sending of the new message alert until the expiration of a predetermined period from the last alert sent if there are undelivered messages is not disclosed in Parsons et al. For this reason, it is believed that this rejection has been overcome and Applicant respectfully requests that Claim 1, and any claims depending therefrom, be allowed.

Claims 9-12:

Claims 9-12 were rejected under 35 U.S.C. § 102(b), as being anticipated by Gellens (U.S. Patent Application Publication No. 2004/0176072). Applicant respectfully traverses this rejection on the grounds that Gellens does not disclose each element recited in the rejected claims.

Claim 9 recites a method of transmitting messages that includes the limitation of "compiling a list of electronic mails according to [a user defined] specification" and "transmitting the list of electronic mails to the mobile device." By selecting the word "list" and using the plural form "mails," it is clear that the present invention compiles more than one message fitting the criteria of the specification into a group of messages and then transmits the group of messages to the user. (*See, e.g.*, Specification, ¶[0037]) Transmitting a group of messages is in keeping with the present invention's goals of reducing wireless network traffic volume and user costs.

Gellens, on the other hand, completely fails to disclose any sort of grouping in the sending of messages. Gellens discloses a trainable filtering system in which messages that are similar to already received messages are treated in a manner similar to the manner in which the already-received messages were treated. However, when downloading messages to a user, Gellens only discloses the downloading of one message at a time, not a listing of several messages. While FIG. 4 includes text that says "Download this & similar," and while the use of "& similar" might be misinterpreted by some to indicate that more that one message is being downloaded during a single episode, it is clear that in the specification that use of the term "similar" refers to filtering of messages in the future, based on a user's classification of a message currently being downloaded. (*See, e.g.,* Gellens, ¶[0046]) Generally, whenever Gellens discloses message downloading, it refers to "*the* message" (*Id.*, ¶¶[0010], [0038], [0045], *etc.*) (Emphasis added), not the "message*s*." Gellens simply does not disclose downloading groups of messages.

The feature of sending a list of messages meeting common criteria, as opposed to transmitting a stream of single messages, is not disclosed anywhere in Gellens. For this reason, it is believed that this rejection has been overcome and Applicant respectfully requests that Claim 9, and any claims depending therefrom, be allowed.

Rejections Under 35 U.S.C. § 103

Claims 4-6:

Claims 4-6 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Parsons et al. in view of Gellens.

The Action asserts that Gellens discloses the action of "receiving a catch-up request from the mobile device," indicating that this feature is shown in FIGS. 1-3. Applicant respectfully traverses this assertion, as it finds no mention of a catch-up request being received from a mobile device. The nature of the catch-up request is disclosed explicitly in the Specification of the present application at, *e.g.*, ¶[0031]. Such requests allow a user to request the sending of a group of messages that satisfy user-defined criteria, such as a date range or a given sender. Neither Parsons et al., nor Gellens disclose this limitation.

Also, Claims 4-6 depend from Claim 1 and take all of the limitations of Claim 1. For the reasons presented above with respect to the §102 rejection of Claim 1, Applicant believes that this rejection has been overcome and requests that Claims 4-6 be allowed.

Claims 7-8:

Claims 7-8 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Parsons et al. Claims 7-8 depend from Claim 1 and take all of the limitations of Claim 1. For the reasons presented above with respect to the §102 rejection of Claim 1, Applicant believes that this rejection has been overcome and requests that Claims 7-8 be allowed.

Prior Art Made of Record

In addition to the remarks presented above, Applicant asserts that the remaining prior art made of record neither anticipates, nor renders obvious the claimed invention.

CONCLUSION

Applicant believes that the rejections have been overcome for the reasons recited above. Therefore, Applicant respectfully requests that all remaining claims be allowed and that a timely Notice of Allowance be issued.
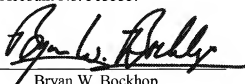
Extension of Time Request

Applicant hereby requests a one-month Extension of Time to respond. Payment for the extension will be made at the time of electronic filing.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 503535.

11/02/2007
Date

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